

80990-3

6/16/2014

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Mr. Daniel Gvertz
Paley Rothman Attorneys At Law
Agent for AgroSource, Inc.
4800 Hampden Lane, 7th floor
Bethesda, MD 20814-2922

JUN 16 2014

Subject: Agri-Seed 50 WP
EPA Registration Number 80990-3
Submission dated June 3, 2014
Decision Number 492141
Addition of missing phytotoxicity statement

Dear Mr. Gvertz,

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10. The Registration Division (RD) has conducted a review of this request for applicability under PRN 98-10 and finds that the following label change(s) requested falls within the scope of PRN-98-10: addition of "Use of Firewall 50 WP fungicide/bactericide may cause phytotoxicity to the fruit and/or foliage of sensitive varieties of pears and apples."

The label referred to above has been date-stamped "Notification" and will be placed in our records. If you have any questions, please call me at 703-305-3510.

Sincerely,

A handwritten signature in black ink, appearing to read "Hope A. Johnson".

Hope A. Johnson
Product Manager (21)
Fungicide Branch
Registration Division (7504P)

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United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☐ Amendment
☒ Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number AgroSource, Inc. / 80990-3	2. EPA Product Manager Hope Johnson	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) AGRI-SEED™ 50 WP Fungicide/Bactericide Agricultural Streptomycin	PM# 21	
5. Name and Address of Application (Include ZIP Code) AgroSource, Inc. P.O. Box 3091 Tequesta, FL 33469 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. NOTIFICATION Product Name JUN 16 2014	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

Explanation: Use additional page(s) if necessary. (For Section I and Section II.)

This notification is consistent with the provisions of PR Notice 98-10, and EPA Regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the Confidential Statement of Formula of this product. I understand that it is a violation of 18 U.S.C Sec. 1001 to willfully make false statements to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 & 2007-4, and 40 CFR 152.46, this product may be in violation of FIFRA, and I may be subject to enforcement action and penalties under Sections 12 and 14 of FIFRA. AgroSource submits this Notification to add a phytotoxicity statement to the label. Email contact: Daniel S. Gvertz, dgvertz@paleyrothman.com

Section - III

1. Material This Product Will Be Packaged In:			
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No * Certification must be submitted	Unit Packaging <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "Yes", Unit Packaging wgt. 2 lbs. No. per container 12	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" Package wgt. No. per container	2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input checked="" type="checkbox"/> Other (Specify) Corrugated Cardboard
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container	4. Size(s) Retail Container 24 lbs.	5. Location of Label Directions <input type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)			
Name Taw W. Richardson	Title President, AgroSource	Telephone No. (Include Area Code) Phone: 901-931-9001	
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.			6. Date Application Received (Stamped)
2. Signature 	3. Title Authorized Rep. for AgroSource		
4. Typed Name Daniel S. Gvertz	5. Date June 3, 2014		

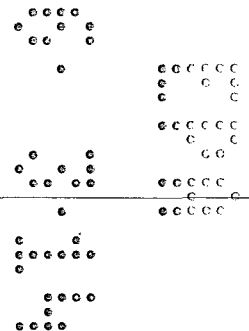
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Daniel S. Gvertz
(301) 951-9372
dgvertz@paleyrothman.com

June 3, 2014

Document Processing Desk (NOTIF)
Office of Pesticide Programs
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
S. 2777 Crystal Drive
Arlington, Virginia 22202-4501

NOTIFICATION
JUN 16 2014



Attention: Hope Johnson, PM 21

Re: URGENT
EPA File Symbol: 80990-3, AGRI-SEED™ 50 WP,
Notification to Add Phytotoxicity Statement to Use Directions on Label

Dear Ms. Johnson:

A Master Label for the above referenced AgroSource product adding apples and pears to the label as marketed under the trade name of FireWall™ 50 WP (ABN of AGRI-SEED™ 50WP) was approved by EPA on March 13, 2014. It has now been brought to our attention that this label did not include a statement in the Use Directions concerning possible phytotoxicity for certain varieties of apples and pears – a statement which does appear on the EPA-approved label for FireWall™ 17 WP (EPA Reg. No. 80990-4).

AgroSource is, therefore, submitting notification to EPA to correct this omission. Please find enclosed with this letter the following documents:

1. EPA form 8570-1 indicating this notification,
2. Copy of the currently approved AGRI-SEED™ 50 WP label,
3. Copy of the revised AGRI-SEED™ 50 WP label (both 'redline' and 'clean' versions) having the statement regarding possible phytotoxicity in certain varieties of apples,

4. Copy of the production label for FireWall 50 WP, and
5. Copy of the currently approved FireWall™ 17 WP label

This matter is of utmost urgency as approval of FireWall™ 50 WP by the state of Florida is pending and a FIFRA Section 18 emergency exemption for use of FireWall™ 50 WP on grapefruit in Florida is imminent. Therefore, acceptance of this notification is requested as soon as possible. Please contact me if there are any questions.

Sincerely,

Daniel Gvertz

Regulatory Affairs Representative/Authorized Agent for AgroSource, Inc.

Enclosure

1. EPA Form 8570-1
2. EPA approved label for AGRI-SEED™ 50 WP
3. AGRI-SEED™ 50 WP 'redline' label
4. AGRI-SEED™ 50 WP 'clean' label
5. Production label for FireWall™ 50 WP
6. EPA-approved label for FireWall™ 17 WP

Cc: T. Richardson, AgroSource, Inc.
R. Amundson, AgroSource, Inc.
J. O'Grodnick, AgroSource, Inc.
B. Volger, AgroSource, Inc.

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AGRI-SEED™ 50 WP

Fungicide/Bactericide
Agricultural Streptomycin

MASTER LABEL

GROUP

25

FUNGICIDE

Note to EPA: This product will also be marketed as
FireWall™ 50 WP for use on pome fruit.

Active Ingredient:

Streptomycin Sulfate*65.80%

Other Ingredients:34.20%

100.00%

*Equivalent to 50% streptomycin

NOTIFICATION

JUN 16 2014

KEEP OUT OF THE REACH OF CHILDREN

CAUTION

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.
(If you do not understand the label, find someone to explain it to you in detail.)

See Back Panel for Additional Precautionary Statements, First Aid and Directions for Use

EPA Reg. No. 80990-3

EPA Est. No. 39578-TX-1

NET CONTENTS: 25 lbs. [Net Contents 2 lbs.]*

*Note to PM: additional container size

Product Number 1003

AgroSource, Inc.

P. O. Box 3091

Tequesta, FL 33469

NOTICE: Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty and Liability before buying or using this product. If the terms are not acceptable, return the product at once, unopened and undamaged, and the purchase price will be refunded.

FIRST AID	
If On Skin or Clothing:	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15-20 minutes. • Call a poison control center or doctor for treatment advice.
If In Eyes:	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15-20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice.
HOT LINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact InfoTrac at 1-800-535-5053 for emergency medical treatment information.	

PRECAUTIONARY STATEMENTS

Hazards To Humans & Domestic Animals

CAUTION: Harmful if absorbed through skin. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Causes moderate eye irritation. Do not breathe dust or spray mist. This material is not to be used for medical, veterinary or human purposes.

Personal Protective Equipment (PPE):

Applicators and other handlers must wear:

- long-sleeved shirt
- long pants
- chemical-resistant gloves made of a waterproof material
- shoes plus socks
- protective eyewear
- MSHA/NIOSH approved respirator with any N, R, P or HE filter.

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washable exists, use detergent and hot water. Keep and wash PPE separately from other laundry.

User Safety Recommendations:

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

Environmental Hazards

This product may be hazardous to aquatic plants. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water by cleaning of equipment or disposal of wastes.

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DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Do not apply this product through any type of irrigation system. Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

Application Restrictions: This product contains the antibiotic streptomycin. To reduce the development of drug-resistant bacteria and maintain the effectiveness of this and other antibacterial products, this product should be used only to treat or prevent infections that are proven or strongly suspected to be caused by bacteria. This material is not to be used for medical or veterinary purposes.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted entry interval. The requirements in this box apply to uses that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted-entry Interval (REI) of 12 hours. Exception: Once seeds are planted in soil or other planting media, the Worker Protection Standard allows workers to enter the treated area without restriction if there will be no worker contact with the soil/media subsurface.

For early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil or water, wear:

- Coveralls over long-sleeved shirt and long pants
- Chemical-resistant gloves made of a waterproof material
- Shoes plus socks
- Protective eyewear

Seed Treatment Use – Control of Halo Blight in Beans (*Pseudomonas syringae* pv. *phaseolicola*)

MIXING INSTRUCTIONS

Concentration Desired	Quantity AGRI-SEED™ 50 WP Per Volume of Water			
	1 pt.	1 qt.	1 gal.	5 gals.
1%	0.3 oz. (9.5g)	0.6 oz. (19.0 g)	2 2/3 oz.	13 1/3 oz.
2%	0.6 oz. (19.0 g)	1 1/3 oz. (38.0 g)	5 1/3 oz.	26 2/3 oz.
5%	1.5 oz. (47.5 g)	3.0 oz. (90.0 g)	13 1/3 oz.	66 2/3 oz.

The application range of **AGRI-SEED™ 50 WP** for beans is 0.17 to 0.87 oz. / cwt. of seed. For best protection, use the higher rate. **AGRI-SEED™ 50 WP** will dissolve in water. Slurry rates will vary with components and treating equipment. Apply using commercial mist, spray or other application equipment.

Label Treated Seed – Federal law requires that bags containing treated seed shall be labeled with the following information: “This seed has been treated with streptomycin sulfate. Do not use for feed, food, or oil purposes. Store away from feed and foodstuffs.” Use an EPA-approved dye or colorant that imparts an unnatural color to the seed.

Additional information regarding use of **AGRI-SEED™ 50 WP** may be obtained from your local Agricultural Extension Agent or State Experimental Station.

Language required for bags containing treated seed:

Seed that has been treated with this product that are then packaged or bagged for future use must contain the following labeling on the outside of the seed/seed-piece package or bag:

“Treated Seed - Do not use for Food, Feed, or Oil Purposes. When opening this bag or loading/pouring the treated seed that are treated with the fungicide streptomycin sulfate, wear long-sleeved shirt, long pants, shoes, socks, chemical resistant gloves, and a NIOSH-approved respirator with a dust/mist filter with MSHA/NIOSH approval number prefix TC-21C or any N, R, P, or HE filter. After the seeds have been planted, do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 24 hours. Exception: Once the seeds are planted in soil or other planting media, the Worker Protection Standard allows workers to enter the treated area without restriction if there will be no worker contact with the soil/media subsurface.”

Resistance Management Information: **AGRI-SEED™ 50 WP** fungicide/bactericide contains a Group 25 fungicide/bactericide. Fungal isolates/bacterial strains with acquired resistance to Group 25 may eventually dominate the fungal/bacterial population if Group 25 fungicides/bactericides are used repeatedly in the same field or in successive years as the primary method of control for targeted species. This may result in partial or total loss of control of those species by **AGRI-SEED™ 50 WP** fungicide/bactericide or other Group 25 products.

To delay fungicide/bactericide resistance consider:

- Avoiding the consecutive use of **AGRI-SEED™ 50 WP** fungicide/bactericide or other target site of action Group 25 fungicides/bactericides that have a similar target site of action, on the same pathogens.
- Using tank-mixtures or premixes with fungicide/bactericides from different target site of action Groups as long as the involved products are all registered for the same use and are both effective at the tank mix or prepack rate on the pathogen(s) of concern.
- Basing fungicide/bactericide use on a comprehensive IPM program.
- Monitoring treated fungal/bacterial populations for loss of field efficacy.
- Contacting your local extension specialist, certified crop advisors, and/or manufacturer for fungicide/bactericide resistance management and/or IPM recommendations for specific crops and resistant pathogens.

CROP USE DIRECTIONS (Note to EPA: The pome fruit use will be marketed under the alternate brand name FireWall™ 50 WP).

Disease & Crop	Application Concentration or Rate	First Spray	Use Directions
Pears (West Coast Area) – Fire Blight	9.6 oz. FIREWALL™ 50 per acre per application (equivalent to 60 ppm at 600 gals/A)	10% Bloom	Repeat at 5-day intervals until all late bloom is over. (This could mean 12-15 applications.) Continue to spray at 5 to 7-day intervals to control shoot and fruit infections. Do not apply within 30 days of harvest.
Pears (Other Areas) – Fire Blight	8-16 oz. FIREWALL™ 50 per acre per application (equivalent to 50-100 ppm at 600 gals/A)	Spray trees at 20-30% bloom	Spray trees every 3-4 days during blossom time. Apply sprays after petal fall every 10-14 days to control twig blight. (This could mean an additional 6-8 applications after blossom sprays.) Do not apply within 30 days of harvest.
Apples (West Coast Area) – Fire Blight	9.6 oz. FIREWALL™ 50 per acre per application (equivalent to 60 ppm at 600 gals/A)	Full Bloom	Apply at petal fall and late secondary bloom. Continue to spray at 5 to 7-day intervals to maintain disease control but not later than 50 days before harvest.
Apples (Other Areas) – Fire Blight	8-16 oz. FIREWALL™ 50 per acre per application (equivalent to 50-100 ppm at 600 gals/A)	Spray trees at 20%-30% bloom.	Spray trees every 3-4 days during blossom time. Apply sprays after petal fall every 10-14 days to control twig blight. (This could mean an additional 6-8 applications after blossom sprays.) Do not apply within 30 days of harvest.

MIXING INSTRUCTIONS for Apple and Pear				
Concentration Desired	Quantity AGRI-SEED™ 50 WP Per Volume of Water			
ppm*	50 gals.	100 gals.	500 gals.	600 gals.
50	2/3 oz.	1 1/3 oz.	6 2/3 oz.	8 oz. (1/2 lb)
60	0.8 oz.	1.6 oz.	8 oz. (1/2 lb)	9.6 oz.
100	1 1/3 oz.	2 2/3 oz.	13 1/3 oz.	16 oz. (1 lb)

*ppm = parts per million

Use of **FIREWALL™ 50 WP** fungicide/bactericide may cause phytotoxicity to the fruit and/or foliage of sensitive varieties of pears and apples.

Additional information regarding use of **AGRI-SEED™ 50 WP** fungicide/bactericide may be obtained from your local Agricultural Extension Agent or State Experimental Station.

Storage & Disposal

Do not contaminate water, food or feed by storage or disposal.

Storage: Keep tightly closed and sealed. Product is moisture, temperature and light sensitive. Product is hygroscopic so protect from moisture. Store in a cool (77°F, 25°C), dry place away from heat and open flames with minimum exposure to the atmosphere. Avoid extremes in temperature.

Pesticide Disposal: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

Container Disposal: Non-refillable container. Do not reuse or refill this container. Completely empty bag into application equipment. Then dispose of bag in a sanitary landfill, by incineration, or if allowed by State and local authorities, by burning. If burned, stay out of smoke.

Conditions of Sale and Limitation of Warranty and Liability

The Directions for Use of this product should be followed carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as manner of use or application, weather or crop conditions, presence of other materials, resistant strains or other influencing factors in the use of the product, which are beyond the control of AgroSource, Inc. or Seller. To the extent consistent with applicable law, all such risks shall be assumed by Buyer and User, and Buyer and User agree to hold AgroSource, Inc. and Seller harmless for any claims relating to such factors.

AgroSource, Inc. warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the Directions for Use, subject to the inherent risks referred to above, when used in accordance with directions under normal use conditions. This warranty does not extend to the use of the product contrary to label instructions, or under conditions not reasonably foreseeable to or beyond the control of Seller or AgroSource, Inc., and Buyer and User assume the risk of any such use. AGROSOURCE, INC. MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.

In no event shall AgroSource, Inc. or Seller be liable for any incidental, consequential or special damages resulting from the use or handling of this product. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF AGROSOURCE, INC. AND SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT OR, AT THE ELECTION OF AGROSOURCE, INC. OR SELLER, THE REPLACEMENT OF THE PRODUCT.

AgroSource, Inc. and Seller offer this product, and Buyer and User accept it, subject to the foregoing conditions of sale and limitations of warranty and of liability, which may not be modified except by written agreement signed by a duly authorized representative of AgroSource, Inc.

AGRI-SEED is a trademark of AgroSource, Inc.